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Subject: Communication from the Hungarian Helsinki Committee concerning the cases of ISTVAN GABOR KOVACS and VARGA AND OTHERS v. Hungary
(Applications nos. 14097/12, 15707/10, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13)

Dear Madams and Sirs,

The **Hungarian Helsinki Committee (HHC)** is a leading human rights organisation in Hungary and Central Europe. The HHC monitors the enforcement of human rights enshrined in international human rights instruments, provides legal defence to victims of human rights abuses by state authorities and informs the public about rights violations. The HHC's main areas of activities are centred on protecting the rights of asylum seekers and foreigners in need of international protection, as well as monitoring the human rights performance of law enforcement agencies and the judicial system. It particularly focuses on the conditions of detention and the effective enforcement of the right to defence and equality before the law.

The HHC ran a detention monitoring programme for more than two decades, between 1995 and 2017. During this period, the organisation carried out 1,237 monitoring visits to police jails, 48 visits at penitentiary institutions and made 51 inspections at places of immigration detention. The HHC has submitted numerous communications to various international forums (CPT, SPT, UNWGAD, UPR, etc.) in related subject matters. The HHC's lawyers have litigated cases related to the conditions of and treatment in detention in Hungarian prisons before domestic forums and the European Court of Human Rights (see e.g. the cases *Engel v. Hungary*, Application no.: 46857/06, and *Csüllög v. Hungary*, Application no.: 30042/08), and three out of the six applicants in the *Varga and Others v. Hungary* case were also represented by HHC's lawyers, and one of the two applicants in the *Takó and Visztné v. Hungary* case). The HHC receives around 500-800 complaints a year from detainees and their relatives and is frequently contacted by lawyers representing detainees in various legal proceedings. In addition, the HHC is a founding member of a grassroots organisation 'FECSKE Support Network for Detainees and their Families', which consists of people with lived experience of detention, their family members and professionals, including former members of the prison administration. As a result, the HHC has access to up-to-date information related to detention conditions. This information is further complemented by the results of the HHC's Freedom of Information (FOI) requests and the cases handled through the HHC's human rights legal counselling programme.

With reference to the judgments of the European Court of Human Rights (hereinafter: the Court) **in the cases of ISTVAN GABOR KOVACS and VARGA AND OTHERS v. Hungary**, with reference to the Interim Resolution CM/ResDH(2025)32 adopted by the Committee of Ministers on 6 March 2025 at the 1521st meeting of the Ministers' Deputies – and in the absence of an updated action plan on the implementation of these judgements by the Government of Hungary –, **the HHC respectfully submits the following observations** under Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Building on its previous submissions, **the HHC reiterates that the structural deficiencies identified in this group of cases remain unresolved.** In its observations submitted in January 2025, the HHC already underlined that no long-lasting measures had been adopted to address the root causes of the violations found by the Court. The HHC emphasised that the effective execution of these judgments would require a coherent and sustained criminal policy turn, prioritising the use of non-custodial sanctions and the institutional development of alternative and restorative justice-based measures. To date, no such policy commitment has been demonstrated.

The HHC also draws the Committee of Ministers' attention to recent amendments affecting the remedial and compensatory framework. These changes do not appear to be capable of remedying the shortcomings previously identified by the Committee of Ministers, in particular regard to the effectiveness, accessibility, and preventive function of the remedies. Accordingly, the HHC submits that the concerns repeatedly raised by the Committee of Ministers remain unaddressed.

The HHC is of the view that a long-lasting resolution to the poor conditions of detention resulting primarily from structural overcrowding and the lack of effective preventive and compensatory remedies, requires Hungary to address outstanding deficiencies in the following key areas:

1. **Lack of a comprehensive criminal policy to reduce prison population.** Despite the continued expansion of the prison estate, Hungary's prison system remains overcrowded, as foreseen by the HHC and confirmed by international bodies (such as the CPT)[1] because:

    - **No comprehensive policy** targets the root causes of prison population inflation making it impossible to ensure that imprisonment remains a measure of last resort, which **results in persistent overcrowding**. On the contrary, as shown by the present submission, recent criminal policy measures adopted in 2025 are likely to increase the prison population. These developments have foreseeable adverse effects, and they are likely to exacerbate structural overcrowding, thereby further undermining the authorities' capacity to ensure detention conditions compatible with Article 3 of the European Convention on Human Rights (hereinafter: the Convention). Rather than contributing to the execution of the judgments in this group of cases, these new measures risk entrenching and aggravating the violations identified by the Court.

    - Policymakers and relevant authorities **lack commitment to operate non-custodial measures effectively** – especially in petty offence cases and minor criminal offences – at any stage of criminal procedure, thereby undermining the proper implementation of alternative sanctions and measures. Overall, the analysis of data related to the implementation of non-custodial sanctions, prison admissions and releases confirms that prison overcrowding in Hungary is driven to a significant extent by the **routine use of deprivation of liberty in cases where effective non-custodial responses should be available and functioning.** Without a coherent, system-wide strategy to strengthen alternatives to imprisonment, reduce avoidable admissions, and ensure that custodial sanctions are genuinely used as a last resort, the prison system will remain structurally overburdened, with direct consequences for detention conditions and compliance with Article 3 of the Convention.

    - Therefore, **inadequate material conditions beyond overcrowding** (such as hygiene-related problems, pest infestations, the lack of proper ventilation) significantly impede humane detention. There is still no guarantee of adequate compensation for these conditions.

2. **Questionable progress in the remedy system.** While a **new preventive remedy mechanism** entered into force in January 2026, its scope is narrowly limited, it lacks judicial oversight, and its

[1] See for example §§10-15 of the CPT Report no. CPT/Inf (2025) 41; § 44 of the CPT Report no. CPT/Inf (2024) 36, and §§ 103-107 of the substantial section on prison overcrowding in the Extract from the 31st General Report of the CPT, 21 April 2022.

practical effectiveness remains questionable. Additionally, the Action Report once again fails to provide the comprehensive statistical data and case-law analysis repeatedly requested by the Committee of Ministers, significantly impairing effective supervision.

3. **Issues related to other violations in this group persist.**

- **Excessive restrictions on visits remain.** Despite considerable improvements, excessive restrictions on prisoners' visiting rights remain, including the general use of physical separation during visits, and the infrequent (once every six months) allowance to visits under open conditions.

- **Persistent issues regarding the treatment of detainees with disabilities.** Contrary to the assertions of the Action Report, the previously identified legislative and practical shortcomings persist regarding the treatment of detainees with disabilities. These include insufficient access to barrier-free accommodation, inadequate therapeutic and psychosocial support, and a chronic shortage of specialised staff. Screening practices at admission remain deficient, and persons with disabilities continue to be disproportionately affected by custodial responses to petty and low-level offences.

- **Special security regimes continue to impose far-reaching additional restrictions on detainees' rights without transparent, genuinely individualised assessments or effective safeguards.** The authorities have failed to provide the data and oversight explicitly requested by the Committee of Ministers. Recent CPT findings confirm the routine and prolonged application of enhanced security measures, raising serious concerns about their psychological impact and compatibility with Convention standards.

- Considering the persistent absence of comprehensive and credible measures, the length of time elapsed since the judgments, and the continued failure to submit crucial statistical and case-law updates, **the HHC submits that supervision of this group of cases should remain under the enhanced procedure.** The HHC respectfully recommends the Committee of Ministers to maintain close scrutiny of the authorities' actions following the interim resolution and to address explicitly the Government's continued failure to ensure execution in line with both the letter and the spirit of the Court's judgments.

The HHC's communication below elaborates on these outstanding deficiencies, largely reflecting the structure of the Ministers' Deputies latest Notes on the Agenda document[2] as regards to the recommended general measures, and concludes with recommendations on how to address them.

[2] CM/Notes/1521/H46-18.

1. The lack of a coherent and overarching penal policy to sustainably resolve the structural problem of prison overcrowding and poor material conditions[3]

Several penal policy measures adopted in 2025[4] – including the expansion of punitive drug enforcement combined with restricted access to diversion, and the transfer of juvenile reformatories under the authority of the penitentiary administration – raise serious concern as they are foreseeable in their effects and are likely to exacerbate structural overcrowding, thereby further undermining the authorities' ability to ensure detention conditions compatible with Article 3 of the Convention.

As in previous stages of the execution of the judgment, the Hungarian authorities have, to date, failed to comply with the decisions of the Committee of Ministers', including those set out in the Interim Resolution of 2025. This continuing lack of compliance is reflected in the Government's Revised Action Report of 23 December 2025 in respect of resolving the structural problem of prison overcrowding. In this respect, the Action Report only limited statistical data focusing on (i) the continued operation of the penitentiary system above capacity[5] despite the opening of a new facility in Csenger, and (ii) two marginally used forms of early release, namely reintegration custody[6] and home care detention.[7] The Revised Action Report merely reiterates data already submitted in the Government's Action Report of 10 December 2024,[8] indicating that, as of 31 July 2024, 296 prisoners were placed in reintegration custody[9] (1.6% of the prison population), while only 19 prisoners (0.1% of the prison population) were subject to home care detention.[10] The repetitive nature and narrow scope of the data presented thus provide further evidence of the authorities' continued lack of engagement with long-term, structural solutions to prison overcrowding, as required by established Council of Europe standards, good practices, and recommendations.

The HHC therefore reiterates its concerns regarding the absence of a coherent and comprehensive penal policy aimed at reducing prison population inflation, in particular through the increased use of non-custodial alternatives to detention.[11] As consistently observed by the HHC, the authorities have prioritised measures contributing to prison population growth, while failing to implement evidence-based, system-wide front-door strategies to reduce admissions or back-door measures to promote early release. Moreover, the Government's Action Reports in the present group of cases continue to place primary responsibility for addressing overcrowding on the National Penitentiary Administration (hereinafter: NPA), whereas a sustainable solution requires coordinated, multi-agency action involving the judiciary, prosecution services, probation authorities and civil society. Considering recent developments, the HHC reiterates its concerns and respectfully draws the Committee of Ministers' attention to the continuing absence of such a comprehensive approach.

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[3] As mentioned in several of the HHC's previous communications to the CM, it is now six years ago since the National Penitentiary Administration (NPA) has discontinued publishing the Review of Hungarian Prison Statistics, which used to contain basic data on the operation of the penitentiary system, including the socio-demographic characteristics of detainees. Therefore (and since the data provided by the NPA to the National Office of Statistics are not sufficiently detailed for a thorough analysis), the HHC has to go through the process of submitting freedom of information requests to obtain all the data needed to conduct the thorough statistical monitoring related to the implementation of the judgments of the ECtHR in question.

[4] Discussed in detail under Section 1.2. of the present submission.

[5] § 15 of the Action Report no. DH-DD(2026)12.

[6] §§ 20–22 of the Action Report no. DH-DD(2026)12.

[7] § 24 of the Action Report no. DH-DD(2026)12.

[8] §§ 20–23 of the Action Report no. DH-DD(2026)12.

[9] § 21 of the Action Report no. DH-DD(2026)12.

[10] § 24 of the Action Report no. DH-DD(2026)12.

[11] See the HHC's following Rule 9(2) communications with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2022)1384E, pp. 4-7; DH-DD(2024)16E, pp. 6-15; DH-DD(2024)288E, p. 2; DH-DD(2025)114E, pp. 3-9.

1.1. Prison overcrowding and the expansion of the prison estate

The HHC must reiterate its observations and concerns[12] related to prison overcrowding and the six-year-long upward trend in prison population. The Government's Revised Action Report[13] continues to present capacity expansion as the core response to prison overcrowding, emphasising the creation of new places and highlighting that the – remotely located – Csenger National Penitentiary Institution began operating in 2025, adding 1,500 places, which increased the overall prison capacity to 18,654.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: CPT) has recently published a report (hereinafter: the CPT Report) on its ad hoc visit to Hungary, conducted between 25 March and 1 April 2025.[14] The CPT noted that, as the primary response to the long-standing problem of prison overcrowding, the authorities have continued to prioritise capacity expansion aimed at accommodating larger numbers of detainees. At the time of the CPT's visit in spring 2025, the overall occupancy rate of the prison estate stood at approximately 116%, with the result that the vast majority of prisons were operating either above or very close to their official capacity.[15] More recent data indicate that, as of 15 December 2025, 20 out of 30 penitentiary institutions were operating above capacity, with eleven of these significantly exceeding the national average occupancy rate of 106%, reaching levels of between 110% and 142%.

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[12] See the HHC's following Rule 9(2) communications with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2022)1384E, pp. 2-5; DH-DD(2024)16E, pp. 3-9; DH-DD(2024)288E, pp. 2-3.
[13] § 15 of the Action Report no. DH-DD(2026)12
[14] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: CPT). Ad Hoc Visit Report Hungary (25 March – 1 April 2025) no. CPT/Inf (2025) 41 (hereinafter: CPT Report no. CPT/Inf (2025) 41.
[15] § 11 of the CPT Report no. CPT/Inf (2025) 41.

Table 1 – Operational capacity, number of detainees and occupancy rate of penitentiary institutions in Hungary on 15 December 2025[16]

Penitentiary institution	**Operational capacity**	**Number of detainees**	**Occupancy rate**
Állampuszta National Prison	1 207	1110	92%
Bács-Kiskun County Remand Prison	223	227	**102%**
Balassagyarmat Strict and Medium Regime Prison	313	373	**119%**
Baranya County Remand Prison	184	181	98%
Békés County Remand Prison	107	122	**114%**
Borsod-Abaúj-Zemplén County Remand Prison	967	1066	**110%**
Budapest Strict and Medium Regime Prison	1 020	1037	**102%**
Central Hospital of the Prison Service	n/a	1	-
Csenger National Prison	1 500	1427	95%
Juvenile Prison (Tököl)	100	75	75%
Budapest Remand Prison	1 293	1560	**121%**
Hajdú-Bihar County Remand Prison	180	217	**121%**
Forensic Psychiatric and Mental Institution	n/a	244	-
Jász-Nagykun-Szolnok County Remand Prison	130	184	**142%**
Kalocsa Strict and Medium Regime Prison	277	331	**119%**
Kiskunhalas National Prison	859	914	**106%**
Middle-Transdanubium National Prison I-II.	1 215	1 164	96%
Márianosztra Strict and Medium Regime Prison	505	477	94%
Pálhalma National Prison	1 222	1183	97%
Sátoraljaújhely Strict and Medium Regime Prison	299	320	**107%**
Somogy County Remand Prison	134	142	**106%**
Sopronkőhidai Strict and Medium Regime Prison	616	695	**113%**
Szabolcs-Szatmár-Bereg County Remand Prison	167	198	**119%**
Szeged Strict and Medium Regime Prison	1 240	1442	**116%**
Szombathely National Prison	1 476	1430	97%
Tiszalök National Prison	1 110	1136	**102%**
Tököl National Prison	1 053	1171	**111%**
Vác Strict and Medium Regime Prison	646	680	**105%**
Veszprém County Remand Prison	512	539	**105%**
Zala County Remand Prison	99	104	**105%**
Total	**18 654**	**19750**	**106%**

As the HHC previously reported in its submission to the Committee of Ministers in 2023,[17] it is noted with concern that in its recent Action Report,[18] the Government continues to rely on the mass release of foreign nationals convicted of human smuggling as evidence of progress in addressing the structural

[16] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.
[17] See the HHC's following Rule 9(2) communication with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2024)16E, pp. 15-16.
[18] § 16 of the Action Report no. DH-DD(2026)12.

problem of prison overcrowding, although this measure cannot be regarded as a genuine or sustainable criminal policy response. Adopted on 27 April 2023 under the state of danger related to the war in Ukraine and without prior public consultation, the emergency decree[19] formally classified these cases as "reintegration detention", while in practice the persons concerned were simply released from prison and required to leave Hungary within 72 hours, reportedly being transported close to the border, amounting to an ad hoc expulsion mechanism applied to a narrowly defined group. Since the HHC's previous submission, the European Commission has referred Hungary to the Court of Justice of the European Union (hereinafter: CJEU),[20] arguing that this measure fails to ensure effective, proportionate and dissuasive sanctions as required under EU law and creates a systemic risk of partial or near-total impunity for human smuggling offences, thereby undermining the public interest in effective border control and security. Moreover, it is observed that the prison population has since increased and is now even higher than at the time when this exceptional measure was introduced, demonstrating that it did not provide a lasting or structural solution to prison population inflation. Although the subsequent phasing out of this measure is therefore noted as appropriate, its limited and temporary impact, together with the serious concerns identified at EU level, further underscores the need for vastly different solutions: a coherent and sustainable penal policy.

1.2. Punitive populism and its impact on prison population management

In 2025, Hungary adopted a series of legislative[21] and operational measures in the field of drug policy. The expansion of punitive drug enforcement, combined with the limited use of non-custodial alternatives, may contribute to the ongoing structural pressure on prison capacity. Access to diversion – a measure allowing for the discontinuation of criminal proceedings upon successful participation in a drug prevention or treatment programme – has been restricted,[22] thereby possibly channelling a greater number of cases into criminal proceedings. In this context, the CPT has recently reported that the authorities themselves acknowledged that the Government's approach to drugs was very likely to further increase the prison population.[23]

Furthermore, the HHC notes with concern that an ongoing criminal investigation into Szőlő Street Reformatory is highly publicised and continues to reveal serious shortcomings in the governance, management, oversight and safeguarding of children deprived of their liberty. The reformatory operates as a pre-trial facility for children and young people suspected of having committed criminal offences,[24] a group for whom, as repeatedly underlined by the European Committee for the Prevention of Torture (CPT), States bear a heightened duty of care and whose deprivation of liberty must be governed by educational, rehabilitative and child-centred principles clearly distinct from those applicable in the adult penitentiary system.[25] Criminal investigations have been initiated concerning allegations of serious ill-treatment and sexual abuse of children placed in the institution. Against this background, it must be noted with concern that the Government responded by adopting, under the ongoing state of danger linked to the war in Ukraine, emergency Government Decree No. 386/2025 (XII. 10.) on immediate measures relating to the management of reformatories, which transferred all

[19] Government Decree 148/2023 (27.IV.) in force between 28/04/2023 and 18/08/2025.
[20] Case C-521/25.
[21] Act XIX of 2025 on amendments to laws relating to the prohibition of the production, use, distribution, and promotion of narcotic drugs.
[22] Act XIX of 2025 on amendments to laws relating to the prohibition of the production, use, distribution, and promotion of narcotic drugs amending Act C of 2012 on the Criminal Code, § 180.
[23] § 11 of the CPT Report no. CPT/Inf (2025) 41.
[24] See the HHC's response to the EU's Fundamental Rights Agency's (FRA) FRANET Service Request no. 17., §13 on Special measures relating to detention of children and young adults/juvenile detention regime, 06/05/2024, pp. 27-29.
[25] See CPT standards on juveniles deprived of their liberty, in particular §§ 100-112 of CPT/Inf(2015)1, emphasising that detention of children must be a measure of last resort and carried out in establishments specifically designed for juveniles, with an educational and rehabilitative focus.

state-run reformatories from the child protection system under the direct command of the NPA on 10 December 2025, effective immediately.[26]

Reformatories fulfil a distinct and essential function within the juvenile justice system and are intended to operate within child-centred, welfare-oriented, rehabilitative framework, separate from the prison system. Previous findings of the HHC and reports of the National Preventive Mechanism indicate that, compared to juvenile prisons, reformatories offer better material conditions and broader access to education and rehabilitative programmes.[27] The integration of reformatories into the penitentiary administration therefore raises concerns that a custodial, security-oriented approach may be further entrenched in settings designed for children, potentially undermining child protection safeguards.[28] From the perspective of the execution of the judgments in the present group of cases, this measure is also problematic, as it places additional structural and operational demands on an already overstretched penitentiary administration and risks diverting attention and resources away from the systemic reforms required to reduce prison population inflation and to ensure detention conditions compatible with Article 3 of the Convention, while at the same time contributing to the normalisation of custodial responses to children in conflict with the law.

1.3. Prison population inflation and the malfunctioning of alternatives to imprisonment

Recent academic research confirms the persistent lack of governmental focus on maintaining and effectively operating alternatives to imprisonment,[29] alongside serious deficiencies in their implementation.[30] The HHC reiterates that prison overcrowding in Hungary is not merely a capacity issue, but the result of a structural overreliance on deprivation of liberty and the underuse and malfunctioning of non-custodial sanctions.[31] Despite repeated calls by the Committee of Ministers[32] to intensify efforts to expand alternatives to detention and to provide comprehensive statistical data enabling their assessment, the Government have failed to engage with this issue in an adequate and transparent manner.[33]

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[26] Section 2 of the emergency Government Decree No. 386/2025 (XII. 10.) stipulates that "[t]he national commander of the prison administration is responsible for the management of reformatories, while the penitentiary administration is responsible for their maintenance."

[27] See the Response of the Hungarian Helsinki Committee to FRANET Service Request no. 17. Criminal Detention in the EU: Conditions and Monitoring, edited, updated version, 6 May 2024, pp. 27-29; See also the related reports of the Ombudsperson: Report no. AJB-1356/2023, pp. 1; 10; 15–18; 20–23; Report no. AJB-755/2023 pp. 19–21; Report no. AJB-2799/2020, pp. 10–16.

[28] The news on the Szőlő Reformatory case and the response of the Government triggered several protests in Hungary. See for example Andrea Horváth Kávai: *Is child protection the Achilles' heel of the government?* Telex, 15/12/2025. Additionally, professionals and civil society organisations with expertise in child protection and juvenile justice released statements and open letters to the Government in which they objected to the rapid reorganisation of reformatories and their transfer under penitentiary authority, criticising the lack of consultation and the use of emergency legislation. They warned that placing reformatories under a custodial-focused administration risks undermining child-centred and rehabilitative approaches and diverting attention from longstanding structural deficiencies in the child protection system. See, for example, the statement of the Hungarian Society of Criminology, the Hungarian Child Rights Coalition and the Hungarian Helsinki Committee.

[29] Lévay, M. – Kerezsi, K. – Ivanics, Zs. (2025). From Rule-of-Law-Based Penal Policy to Penal Populism: The Case of Hungary. In: *Sociological Review 35(4): 7-33, https://doi.org/10.51624/SzocSzemle.19228*.

[30] Solt, Á. (2025) Changes in the Practice of Conditional Release from 2016 to 2025. In: *Sociological Review 35(4): 104-129*, https://doi.org/10.51624/SzocSzemle.19203.

[31] See the HHC's related policy analysis on enhancing the use of non-custodial alternatives to imprisonment (in Hungarian): https://helsinki.hu/wp-content/uploads/2023/04/HHC_PRI_alter_policy_fin.pdf.

[32] § 5 of the CM Decision no. CM/Del/Dec(2024)1492/H46-18, Interim Resolution no. CM/ResDH(2025)32. adopted at the 1521st meeting (4-6 March 2025) in CM Decision no. CM/Del/Dec(2025)1521/H46-18.

[33] §§ 20-25 of the Action Report no. DH-DD(2026)12E.

Table 2 – Number and proportion of prison admissions and releases by legal basis of detention, 2024 and 2025[34]

Year	2024		2025*	
Legal basis for detention	Admissions (n; %)	Releases (n; %)	Admissions (n; %)	Releases (n; %)
Remand in custody	6423	2818	6682	3026
	35%	**16%**	**36%**	**17%**
Inmates serving a final sentence	2316	3822	2088	3892
	13%	22%	11%	21%
Community service converted to imprisonment	1592	1836	1524	1652
	9%	10%	8%	9%
Fine converted to imprisonment	1153	1019	1203	994
	6%	6%	6%	5%
Short-term criminal confinement (5-90 days)	850	1073	747	993
	5%	6%	4%	5%
Petty offence detention	6066	7153	6348	7570
	33%	**40%**	**34%**	**42%**
Compulsory psychiatric treatment (with final court decision)	0	48	0	27
	0%	0%	0%	0%
Total (n)	18400	17769	18592	18154

*Data for 2025 cover the period from 1 January to 15 December 2025.

According to the HHC's analysis of admissions and releases based on data provided by the NPA[35] in both 2024 and 2025, more than half of all admissions were linked to petty offence detention, short-term criminal confinement, or the conversion of non-custodial criminal sanctions (fines and community service) into imprisonment. These categories accounted for approximately 52-53% of all admissions and an even higher proportion of releases (61-62%), pointing to a constant churn that places a disproportionate operational burden on the prison system. Petty offence detention, short-term criminal confinement (5-90 days), and the conversion of criminal fines and community service into custodial sentences contribute significantly to prison admissions, despite their limited penological justification and minimal reintegrative value. In 2024, petty offence detention alone accounted for one third of all admissions and 40% of releases with its share increasing further in 2025.

In the case of petty offence detention, while the average length of detention was relatively short – 16-17 days in 2024 and 2025 – the average daily number of detainees held under this regime in 2025 (until 15 December) nevertheless stood at 475 persons. At the same time, the length of petty offence detention is highly scattered, as some individuals serve several such detentions consecutively, resulting in excessively long cumulative periods of deprivation of liberty; notably, the five longest petty offence detentions recorded in the two years under review ranged between 582 and 733 days. This practice raises serious concerns considering Act II of 2012 on petty offences[36] limits petty offence detention to a maximum of 60 days, or 90 days in cases involving multiple offences, and calls into question whether deprivation of liberty is being applied as a genuine measure of last resort. Similarly, although the average length of short-term criminal confinement was approximately 75 days in 2024 and 2025, the five longest consecutive periods of such confinement – originally imposed for 5-90 days[37] – extended between 270 and 380 days, while the average daily number of detainees held under this

[34] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.
[35] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.
[36] Sections 9(2) and 22(1) of Act II of 2012 on petty offences, the petty offence procedure and the petty offence registration system
[37] Section 46 of Act C of 2012 on the Criminal Code

regime in 2025 (until 15 December) stood at around 245 persons. From the perspective of the execution of the Court's judgments, the routine and repetitive use of short-term confinement and petty offence-related detention contributes directly to prison population inflation and undermines efforts to secure detention conditions compatible with Article 3 of the Convention.

Remand in custody (pre-trial detention) accounted for 35-36% to all admissions in the past two years, while representing 16-17% of the total amount of releases. Against this background, the continued underuse of non-custodial measures at both the pre-trial[38] and sentencing stages remains a central concern. As of 15 December 2025, 4,761 individuals were held on remand, representing approximately 24% of the prison population.[39] While data indicate a slight slowdown in the use of pre-trial detention during the investigative phase in 2024, the average length of detention increased, resulting in a higher remand population at year's end (2023: 2,588; 2024: 2,771).[40] Moreover, according to the 2024 SPACE statistics, Hungary recorded the longest average length of pre-trial detention among reporting Council of Europe member States (28.3 months, compared to a Council of Europe average of 5.5 months).[41] Although the use of non-custodial alternatives to pre-trial detention increased marginally in 2024, this has not offset the systemic overreliance on custodial measures.[42]

At the sentencing stage, custodial sanctions continue to dominate penal policy and the outcome of sentencing, while reintegration-oriented measures remain underused.[43] The high rate at which community service orders are converted into imprisonment illustrates the fragility of these alternatives in practice.[44] In 2024, fewer than half of community service orders were completed successfully, with 2,431 (32%) of adult and 230 (45%) of juvenile orders converted into custodial sentences.[45] New admissions stemming from the conversion of criminal fines or community service

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[38] See details of systemic concerns in the HHC's following Rule 9(2) communication concerning the execution of the judgments of the ECtHR in the group of cases *X.Y. v. Hungary*: DH-DD(2024)638, pp. 6-11.

[39] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

[40] See 2024 data on the number of proposals by the investigating authority, motions by the prosecution, and court decisions aimed at ordering pre-trial detention at *Ügyészségi Statisztikai Tájékoztató – Büntetőjogi szakág. A 2024. évi tevékenység [The Statistical Information Leaflet of the Prosecution – Criminal Field. Activities in 2024*], https://ugyeszseg.hu/wp-content/uploads/2025/10/buntetojogi-szakag-2024.pdf,p. 60, Table 59.

[41] Source: Council of Europe Annual Penal Statistics – SPACE I 2024, pp. 114-115.

[42] See A büntetőbíróság előtti ügyészi tevékenység főbb adatai. A 2024. évi tevékenység [Main Data on Prosecutorial Activities before the Criminal Courts. Activities in 2024], https://ugyeszseg.hu/wp-content/uploads/2025/10/buntetobirosag-v-lapos-2024.pdf, 2024 data on the proportion of different types of coercive measures at the time of the indictment is available at p. 46., Table V/502; data on the proportion of different types of coercive measures at the time of the first instance court is available at p. 49, Table V/507.

[43] See the HHC's following Rule 9(2) communication with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2024)16E, pp. 10-16.

[44] Reasons for the systemic institutional problems in implementing non-custodial sanctions, especially community service, were uncovered by the HHC's research: (i) the imprisonment-centred mindset of judges and (ii) their lack of trust in these sanctions, (iii) the insufficient institutional background provided for the implementation of community service, such as probation professionals being overburdened and under-resourced. At the same time, the organisational restructuring of probation in Hungary had a negative impact on the work of probation officers, making the institutional setting significantly less appropriate for carrying out their vital tasks in implementing non-custodial sanctions and measures. See for details: Policy brief of the HHC for Enhancing the Implementation of Non-custodial Alternatives to Imprisonment, available here (in Hungarian): https://helsinki.hu/szakpolitikai-ajanlasaink-az-alternativ-szankciok-jobb-kihasznaltsaga-erdekeben/; See the HHC's country report on the use of alternative sanctions: Krámer, L. – Lukovics, A. – Szegő, D. (2022). *Alternatives to Prison: Hungarian Law and Practice on Non-custodial Sentences*, Hungarian Helsinki Committee: p. 36., p. 41–42.; and (in Hungarian) Krámer, L. (2023). Replacing Prison with Control and Support – Alternative Sanctions in Hungary and Europe, *Kriminológiai Közlemények* (83): pp. 179–191.

[45] Source: Statistical data of the Ministry of Justice on general probation 2024, pp. 5–7.

constituted around 14-16% of the prison population in 2024 and 2025, meaning that on an average day approximately 600–700 detainees were held in prison as a result of such conversions.[46]

Furthermore, the average length of imprisonment in Hungary increased to 13.0 months in 2023, while the Council of Europe average stood at 9.9 months.[47] As previously reported by the HHC, the CPT also noted[48] that, from 1 March 2024, a new credit and category system was introduced for detainees serving a final sentence, with the stated aim of enhancing individualisation, strengthening motivation for reintegration, and facilitating progression towards more open detention conditions, thereby improving access to early release. Its development and introduction were characterised by limited transparency, insufficient prior impact assessment, and restricted professional and civil society involvement.[49] Moreover, early indications – such as the virtually non-existent use of temporary release, with only 12 detainees granted temporary release overall in 2024 and 2025 according to NPA FOI data analysed by the HHC – suggest that the system's effectiveness is constrained by structural factors, including overcrowding, staff shortages, limited access to reintegration programmes, and the continued dominance of disciplinary practices over positive incentives.[50] In the absence of systematic, publicly available data on credit allocation, category progression, and their impact on early release, it remains unclear whether the new system can meaningfully counterbalance the prison population pressures generated elsewhere in the penal system.

Access to early release therefore remains limited, notwithstanding the recognised role of conditional release as a discretionary measure intended to support reintegration, reduce reoffending, and, in practice, alleviate prison overcrowding. As previously reported by the HHC[51] and corroborated by recent academic research examining judicial and institutional practices, there has been a marked and measurable shift in the application of conditional release in Hungary.[52] While a nationwide study conducted in 2016 found that approximately 70% of eligible detainees received a positive decision on conditional release,[53] by 2024 this proportion had fallen to around 30%.[54] Although legislative amendments have rendered the legal framework more detailed and, in certain respects, stricter, research indicates that this factor alone does not account for the scale of the decline.[55] Rather, expanded empirical research completed by May 2025 reveals that changes in the practices of cooperating authorities have played a decisive role, with penitentiary institutions increasingly refraining from recommending conditional release irrespective of detainees' behaviour during detention.[56] The research suggests that professional stakeholders (penitentiary staff members and penitentiary judges) react to a sense of growing socio-political pressure and heightened concerns about taking responsibility for allowing prisoners on conditional release, which shifted decision-making priorities towards meeting perceived societal demands for punishment, thereby weakening the reintegrative function of conditional release.[57] These research findings corroborate earlier concerns

[46] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

[47] Source: Council of Europe Annual Penal Statistics – SPACE I 2024, pp. 114-115.

[48] §§ 16-17 of the 2025 CPT Report no. CPT/Inf (2025) 41.

[49] Krámer, L. (2025). Civil society reflexions on the introduction of the new category and credit system. In: *Kriminológiai Közlemények (85)*, Hungarian Society of Criminology, pp. 38–51.

[50] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.

[51] See the HHC's following Rule 9(2) communications with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2024)16E, pp. 12–15; DH-DD(2025)114, p. 8.

[52] Solt, Á. (2025). Changes in the Practice of Conditional Release from 2016 to 2025. In: *Sociological Review 35(4): 104-129*, https://doi.org/10.51624/SzocSzemle.19203.

[53] Solt, Á. (2017). Practice of Conditional Release. In: Studies on Criminology (54), 85–102.

[54] Solt, Á. (2025). Changes in the Practice of Conditional Release from 2016 to 2025. In: *Sociological Review 35(4): 104–106*, https://doi.org/10.51624/SzocSzemle.19203.

[55] Ibid. *104–109, 127–128*, https://doi.org/10.51624/SzocSzemle.19203.

[56] Ibid. *104–105*, https://doi.org/10.51624/SzocSzemle.19203.

[57] Ibid. *127–128*, https://doi.org/10.51624/SzocSzemle.19203.

raised by the HHC, including those expressed by professional stakeholders – such as prosecutors and penitentiary judges – regarding the marked decline in the awarding of detainee "rewards," a factor traditionally central to favourable early-release decisions.[58] At the same time, the number of disciplinary sanctions – in HHC's experience, very often based on minor acts – has remained at a high level in recent years. The following table shows the shift in the accessibility of rewards and the number of disciplinary sanctions:

Table 3 – Access to rewards and frequency of disciplinary sanctions[59]

Year	Rewards	Disciplinary sanctions
2021	12,464	11,069
2022	7,871	11,272
2023	675	11,863
2024	1198	11,079
2025*	1664	10,907

*Data for 2025 cover the period from 1 January to 15 December 2025.

The persistently low number of rewards awarded to detainees, combined with consistently high levels of disciplinary sanctions, has diminished prospects for early release. Taken together, these developments undermine reintegration incentives, prolong periods of detention, and reinforce structural pressures on an already overburdened prison system.

1.4. Material conditions of detention

The HHC maintains its previous concerns regarding the material conditions of detention in Hungary.[60] Based on complaints received by the HHC, its lawyers' experience, and consistent reports from detainees and their relatives, inadequate conditions – including poor hygiene, insufficient temperature control and ventilation, pest infestations, limited access to showers and natural light, poor quality and quantity of food, and insufficient access to medicine and medical care – continue to impede humane detention. Despite the government's assertions of progress, the CPT found in 2025 that, in the prisons visited, deficiencies in ventilation, access to showers, and natural light persisted, echoing concerns raised in earlier CPT reports.[61] Complaints received by the HHC indicate that inadequate temperature control leaves detainees exposed to extreme heat in summer and cold in winter. Contrary to the Government's Action Report, pest infestations remain an ongoing concern: persons in detention continue to report bedbugs, cockroaches, and mites, while cleaning materials and essential hygiene supplies – including hygiene products for women – are frequently unavailable.

[58] See the HHC's following Rule 9(2) communications with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2024)16E, pp. 12–15; DH-DD(2025)114, p. 7–8.

[59] Response nos. 30500/4683/2024 and 30500/5371/2025 issued by the NPA to the HHC's FOI request on 16/10/2024 and 14/01/2026.

[60] See the HHC's latest Rule 9(2) communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases: DH-DD(2025)114, pp. 9–10.

[61] §§ 48–55, 66–69, CPT/Inf (2025) 41; §§ 66–73 of the 2023 CPT Report no. CPT/Inf (2024) 36.

2. Questionable progress in respect of the remedy system

Considering the remedy system, in its latest Interim Resolution no. CM/ResDH(2025)32, the Committee of Ministers *"exhorted the authorities to either reintroduce a specific preventive remedy, or to track the complaints made in the general preventive mechanism and submit comprehensive case-law and statistical data in this respect and also, once again, invited them to consider the reintroduction of judicial review in respect of preventive complaints concerning prison overcrowding and unsuitable conditions of detention".* The Committee of Ministers also exhorted the authorities *"to take concrete steps to address the remaining concerns regarding the compensatory remedy and to submit the outstanding data without further delay".*[62]

Since then, the legislative amendment referred to in the Government's most recent Action Report[63] has entered into force. This amendment supplements the provisions of the Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Confinement for Misdemeanours (hereinafter: Penitentiary Code) by introducing a new, specific type of complaint which — according to the legislator's intent — is designed to provide a prior remedy, before any compensation proceedings, for detention conditions that violate fundamental rights due to the lack of the statutory minimum living space (hereinafter: **preventive remedy**).[64]

The preventive remedy introduced by the recent legislative amendment does not affect the previously existing compensation mechanism (hereinafter: **compensatory remedy**);[65] the two legal instruments therefore exist in parallel.

The HHC maintains the position set out in its latest Rule 9(2) communication regarding shortcomings in connection with the general requests and complaints mechanism,[66] as well as the supervisory powers and activities of the prosecution service and the National Preventive Mechanism (OPCAT NPM),[67] which continue to persist.[68] Accordingly, the HHC refrains from restating those points and instead limits the present submission to an analysis of the specific remedies, namely the newly introduced **preventive remedy** mechanism and the pre-existing **compensatory remedy** mechanism, as well as the relationship between these.

2.1. The newly introduced preventive remedy mechanism

Under the preventive remedy mechanism, detainees are entitled to submit a written complaint directly to the prison commander if the conditions of their detention violate their fundamental rights as a result of non-compliance with the statutory minimum living space requirements. The prison commander is required to examine and determine the complaint within fifteen days.[69] Where the complaint is found to be well-founded, the commander must, in the first place, seek to eliminate the violation within the same penitentiary institution (for example, by reassigning the prisoner to an accommodation providing adequate living space); failing that, the possibility of transfer to another penitentiary institution must be assessed. Only where neither of these measures is feasible may the prison commander (but not

[62] Interim Resolution no. CM/ResDH(2025)32.
[63] § 17 of Action Report no. DH-DD(2026)12.
[64] Section 142 (5)–(7) of the Penitentiary Code, in force since 02/01/2026.
[65] Sections 75/B–75/S of the Penitentiary Code.
[66] Sections 20 and 142(1)–(4) of the Penitentiary Code
[67] Hungary's national human rights institution (NHRI), the Commissioner for Fundamental Rights is also responsible for the OPCAT NPM in Hungary.
[68] See § 2.2 of the HHC's previous Rule 9 communication no. DH-DD(2025)114.
[69] Under the general requests and complaints procedure, the prison commander is required to decide on the detainee's submission within thirty days, a time-limit which may be unilaterally extended once by a further thirty days.

obliged to by the law) grant compensatory privileges, including, inter alia, extended time spent outdoors, increased opportunities for contact with the outside world, or access to additional services.[70]

Although this graduated system of remedial measures (in-institution remedy → transfer → compensatory privileges) was already provided for under Section 75/I of the Penitentiary Code, it was applicable exclusively in the framework of compensatory remedy proceedings, requiring the submission of a compensation claim. The amendment introduces a substantive novelty by allowing these measures to be activated through a standalone complaint procedure, without the need to submit a claim for monetary compensation. This – in theory – confers a genuinely preventive function on the new remedy. This preventive remedy mechanism remains legally distinct from the compensatory remedy mechanism, and exhaustion of the newly introduced preventive remedy is not a precondition for seeking monetary compensation under the compensatory remedy mechanism.

The HHC welcomes the legislator's intention to introduce a special preventive remedy mechanism; however, in its current form the preventive remedy suffers from several shortcomings and raises several issues:

a) The preventive remedy mechanism is **available exclusively in situations where the statutory minimum standard of living space is not provided**. Where that minimum is formally satisfied, yet other aspects of the material conditions of detention—such as extreme temperatures or pest infestation—nevertheless attain the threshold of inhuman or degrading treatment, the new preventive remedy cannot be invoked. This approach is at odds with the Interim Resolution, in which the Committee of Ministers identified as a systemic deficiency of the compensatory remedy the fact that detainees are not entitled to claim compensation **for inadequate material conditions of detention where the statutory minimum living space requirement is met**.[71]

b) Although, in the Interim Resolution, the Committee of Ministers expressly invited the authorities *"to consider the reintroduction of judicial review in respect of preventive complaints concerning prison overcrowding and unsuitable conditions of detention"*, no form of judicial oversight is attached to the newly introduced preventive remedy mechanism. Where a preventive complaint is rejected by the prison commander, the detainee may, under the general rules, seek review by the Regional Commander or, potentially, by the prosecution service; however, **no avenue of judicial review is available.**[72]

c) The **practical effectiveness** of the new preventive remedy can only be assessed over time, in the light of its application in practice and the availability of relevant statistical data. In partial compliance with the Interim Resolution, the legislative amendment requires complaints falling within the scope of the preventive remedy mechanism to be recorded separately. However, to enable a meaningful evaluation of the new mechanism, it is not sufficient merely to monitor the number of preventive complaints lodged and the proportion upheld by prison commanders. It is equally necessary to examine the concrete follow-up measures adopted where a complaint is found to be well-founded: whether the detainee's placement is remedied within the same institution, whether a transfer to another institution took place, or, failing these, whether any form of compensatory privilege is granted and, if so, of what nature.

This consideration is particularly significant, as systemic overcrowding[73] may impede both in-institution remedies and transfers, thereby leaving the granting of compensatory privileges as

[70] Section 142(6) of the Penitentiary Code

[71] See also Section 1 of Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights no. H/Exec(2021)5.

[72] The effectiveness of both Regional Commander review and prosecutorial oversight is open to doubt. See § 2.2 of the HHC's Rule 9 communication no. DH-DD(2025)114.

[73] According to the Government's latest Action Report, the Hungarian prison system operated with a 106.07 % occupancy rate in December 2025. See § 15 of Action Report no. DH-DD(2026)12.

the sole remaining option. The Penitentiary Code, however, confers a broad discretion on the prison commander as to whether any compensatory privilege is granted where a complaint is upheld but neither in-institution reassignment nor transfer is feasible. In principle, therefore, a commander may act lawfully by merely acknowledging the violation of the detainee's rights without offering any meaningful remedy or compensatory privilege, a scenario which would seriously call into question the effectiveness of the preventive remedy mechanism.

d) Regarding requests or complaints addressed to prison commanders under pre-existing general requests and complaint procedure stipulated in Section 20 and 142(1)–(4) of the Penitentiary Code, it is common that such requests or complaints are not registered and are only rejected orally. Thus, there is no written record of submission, making it impossible to seek redress.[74] Considering complaints to the prison commander, the CPT found during its 2023 visit to Hungary that *"[t]he virtual absence of complaints in the establishments clearly indicates that prisoners lack confidence in the complaints' procedures and, as some prisoners told the delegation, their fear of reprisals and negative impacts on their case if they did complain."*[75] This was confirmed by the CPT's report on its 2025 follow-up visit, which recalled that many interviewed prisoners *"claimed that they did not trust the complaints system, […]. Some prisoners stated that they were afraid of lodging complaints for fear of reprisal."*[76] The report also refers to example of staff members trying to persuade detainees to withdraw complaints, threatening complaining inmates with "consequences" and even launching formal disciplinary procedures against some complainants under different pretexts.[77]

There is a risk that a similar pattern will emerge in respect of complaints lodged under the preventive remedy mechanism. For this reason, continuous monitoring of the newly introduced preventive remedy mechanism, together with the collection of comprehensive statistical data and practical experience capable of assessing its real-world effectiveness, is of particular importance.

In conclusion, while the HHC welcomes the intention to introduce a preventive remedy mechanism, in its current form—owing to the absence of judicial review and to the fact that the remedy cannot be invoked where the statutory minimum living space is formally ensured—it does not fully align with the spirit of the pilot judgment in Varga and Others case, or with the subsequent recommendations of the Committee of Ministers.[78] Moreover, any meaningful assessment of its practical effectiveness should depend on the Government's provision, in the future, of detailed and comprehensive statistical data and analysis to the Committee of Ministers.

2.2. The pre-existing compensatory remedy mechanism

The rules governing the compensatory remedy mechanism remain unchanged. Consequently, all the previously identified shortcomings—already highlighted in Memorandum no. H/Exec(2021)5 and by the HHC in its earlier Rule 9(2) communications—continue to persist. Thus, the HHC maintains the position set out in sections 2.1 and 2.2–2.5 of its latest Rule 9(2) communication,[79] as follows.

a) The compensatory remedy mechanism remains available **only where the statutory minimum living space requirement is not met**. Where that requirement is formally satisfied, but other

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[74] For further information, see the HHC's following Rule9(2) communication with regard to the execution of the judgments of the ECtHR in the cases of *Varga and Others v. Hungary* and *István Gábor Kovács v. Hungary*: DH-DD(2024)16E, pp. 28-31.
[75] § 167 of the CPT Report no. CPT/Inf (2024) 36.
[76] CPT's Report on its Ad-hoc Visit to Hungary between 25 March – 1 April 2025, CPT/Inf (2025) 41., § 28.
[77] CPT's Report on its Ad-hoc Visit to Hungary between 25 March – 1 April 2025, CPT/Inf (2025) 41., § 29.
[78] See for example Interim Resolution no. no. CM/ResDH(2025)32 or Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights no. H/Exec(2021)5.
[79] See Sections 2.1. and 2.3. – 2.5. of the HHC's Rule 9 communication no. DH-DD(2025)114.

conditions amounting to inhuman or degrading treatment persist, neither the special compensatory remedy, nor the newly introduced preventive remedy can be invoked.

b) It also remains the case that, as a general rule, detainees **do not have access to the compensation awarded** to them until their release, since the sums are held on a separate escrow account.[80] As a result, detainees are unable to use the awarded amounts – among others – to cover legal costs and expenses, which discourages the effective pursuit of legal remedies and restricts access to high-end legal services.[81]

Although prison commanders may, on an individual basis, authorise the use of sums awarded as compensation,[82] the HHC has repeatedly observed that such authorisation is frequently refused, even where detainees request access for compelling reasons, such as funeral or healthcare expenses of close relatives. This restriction might as well interfere with or, in the case of whole life sentences (imprisonment without the possibility of parole), totally deprive detainees' rights to property under Article 1 of the Protocol to the Convention and to an effective remedy under Article 13 of the Convention. The restriction is particularly severe for those who (i) do not work during their imprisonment, (ii) are not financially supported by their family, and/or (iii) serve a lengthy prison sentence.

A client of the HHC, who is serving a life sentence and will not be eligible for release on parole until at least 2050, requested permission to use his deposited compensation in order to improve the living conditions of his ill partner and his son. The competent prison authorities refused his request. The case has been pending before the Court since 2024, yet to be communicated to the Government. In 2025, the applicant suffered cardiac arrest and was transferred to hospital, where he was resuscitated. His attorney subsequently informed the Court of the applicant's medical condition. The applicant has still not been granted access to the compensation held in his deposit account.

c) As Memorandum no. H/Exec(2021)5[83] pointed out, a compensatory claim can only be submitted if the detainee has spent at least **two months in inadequate conditions**, unless they have been released or placed in adequate conditions before the expiration of that time limit.[84] Thus, detainees cannot seek effective remedies in the first two months, during which they experience inadequate conditions.

The newly introduced **preventive remedy** may, to some extent, mitigate this deficiency, since its submission is not conditional upon the inadequate conditions having persisted for at least two months. For this reason, close scrutiny of the practical effectiveness of the preventive remedy is of particular importance. If, however, the preventive remedy proves ineffective in practice, the previously identified shortcoming[85] remains unresolved, namely that the compensatory remedy is available only where the lack of the statutory minimum of living space has persisted for at least two months (or where the detainee has been released or placed in adequate conditions earlier).

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[80] Section 133(4a) of the Penitentiary Code

[81] For further information see Section 2.5 of the HHC's Rule 9 communication no. DH-DD(2025)114.

[82] Ibid.

[83] § 2 of the Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights, H/Exec(2021)5.

[84] Section 75/D(2) of the Penitentiary Code

[85] See Section 2.2. of the HHC's Rule 9 communication no. DH-DD(2025)114 and § 2 of the Memorandum prepared by the DEJ of the ECtHR, H/Exec(2021)5.

2.3. Lack of reliable statistical data

In its most recent Action Report, the Government emphasized: *"There has been no backtracking on preventive complaints in the context of compensation, given that in most cases the circumstances leading to compensation is resolved as soon as possible, and the exceptional case of someone being placed in overcrowded accommodation lasts on average only 14.44 days."*[86]

The Action Report does not indicate the period to which this statistical data relates. It is, however, noteworthy that the Government's action report from one year earlier contains the very same wording and the identical statistical figure.[87]

The HHC notes with regret that, notwithstanding the Committee of Ministers having strongly encouraged the Hungarian authorities, in the Interim Resolution, to strengthen their dialogue in respect of this group of cases, the Government has once again failed to provide meaningful and reliable data concerning the effectiveness of the remedies.

3. Issues related to the implementation of the judgments related to other violations found by the Court

3.1. Persisting issues related to restrictions on visits

Despite some positive developments, **excessive restrictions on prisoners' visiting rights persist**. Legislation and practice continue to impose unjustified limitations on physical contact and mandate the use of plexiglass partitions during visits. Systemic shortcomings, including the absence of adequate individual assessments and continued abuses of discretion, also remain unaddressed under the current framework.[88]

While the replacement of ceiling-high partitions and the allowance of brief physical contact during greetings and farewells represent progress, visits are still predominantly conducted under closed conditions.

Under the regulations in force since March 2025, most prisoners are now entitled to one open visit every six months. Although the legislation formally allows for more frequent open visits for prisoners with children, information received by the HHC indicates that in practice access for this group is limited to this maximum frequency, as prison authorities reportedly do not initiate the organisation of family visits – even where young children are involved – before the six-month period has elapsed. In addition, prisoners are subject to waiting periods ranging from six months to two years, depending on category classification, before becoming eligible for open visits. These restrictions are particularly detrimental to prisoners with children and raise serious concerns as regards compliance with the standards established by the Court,[89] the UN Convention on the Rights of the Child,[90] and the Council of Europe Recommendation on children with imprisoned parents.[91]

Complaints received by the HHC indicate that the implementation of the new regulations continues to raise significant concerns in practice. Although the height of plexiglass partitions has been reduced, they still impede meaningful contact and often create humiliating situations, especially for women and

[86] § 19 of Action Report no. DH-DD(2026)12.
[87] § 18 of Action Report no. DH-DD(2024)1433.
[88] For more information, see the HHC's latest Rule 9(2) communication in the *Takó and Visztné Zámbó v. Hungary* group of cases: DH-DD(2025)13, pp. 8–10.
[89] See, for example, *Deltuva v. Lithuania* (Application no. 38144/20).
[90] Article 9(3) of the UN Convention on the Rights of the Child.
[91] Council of Europe Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents.

young children. Families have also reported that in some facilities, physical barriers are maintained even during open visits.

Data provided by the NPA further illustrates the limited practical availability of open visits. Between 1 March and 15 December 2025, 1,324 family visits involving children and 1,562 open visits without children were carried out across the prison system.[92] Taken together, these figures indicate that access to visits under open conditions reached only a small proportion – approximately 15% – of the average prison population and their close relatives over the relevant period, underscoring the continued low level of access to open visits under the current visitation regime.

These restrictions continue to lead to systemic violations of prisoners' rights to private and family life. The HHC reiterates the urgent need to broaden access to open visits and to ensure transparent, evidence-based individual assessments in full compliance with human rights obligations.

3.2. Outstanding issues regarding the treatment of detainees with disabilities

The HHC maintains the concerns set out in its previous communication[93] regarding the placement and treatment of detainees with disabilities. Contrary to the Government's assertions,[94] the previously identified legislative and practical shortcomings persist. These include the inadequate availability and use of barrier-free cells, the lack of tailored therapeutic and psycho-social support, and the chronic shortage of appropriately trained and specialised staff.

Official statements suggesting that accessible accommodation has been sufficiently expanded are not supported by the available data. Contrary to the Government's assertion that the prison service has doubled the number of accessible accommodation facilities, the Government has failed to demonstrate any genuine increase in capacity; earlier figures already indicated a higher number of such places than those currently relied upon in the Action Report.[95] This casts serious doubt on claims that new accommodation has been created in recent years. The Government's assertions that accommodation needs are being adequately met remain unsubstantiated and are directly contradicted by complaints received by the HHC. The situation is further aggravated by deficiencies in screening at admission, including in the context of petty offence confinement, where screening practices systematically fail to identify disabilities beyond the most evident cases, leaving many detainees without adequate accommodation, treatment, or safeguards.

Inadequate material conditions take a disproportionate toll on detainees with disabilities. Although certain cells are formally designated for detainees with disabilities, these measures are largely confined to basic physical accessibility and do not reflect the diversity of disability-related needs. In practice, detainees with visual or neurodivergent disabilities are often placed in cells designed for reduced mobility without receiving the specific support they require. The persistent lack of specialised staff compels detainees with disabilities to rely on fellow inmates for daily activities and care, a practice that is inherently degrading and incompatible with basic standards of humane detention. Complaints concerning accommodation and treatment are routinely dismissed, and the complaint mechanism lacks transparency and effectiveness, discouraging the pursuit of remedies.

Despite existing legal protections, persons with disabilities continue to be confined for petty and low-level offences, including through the conversion of unpaid fines into imprisonment. This practice

[92] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 41/01/2026.
[93] See the HHC's latest Rule 9(2) communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases: DH-DD(2025)114, pp. 17–20.
[94] §§ 26–28 of Action Report no. DH-DD(2026)12.
[95] Response no. 30500/5905/2024 issued by the NPA to the HHC's FOI request on 31/12/2024. See the HHC's related blogpost for details here: https://helsinkifigyelo.444.hu/2025/07/28/makromagia-a-bortonben-ahol-a-fogyatekossag-is-kodde-valik.

disproportionately affects persons with disabilities, placing them in detention environments that are manifestly ill-equipped to meet their needs and, more broadly, exacerbating overcrowding.

Taken together, these patterns demonstrate a sustained failure to ensure reasonable accommodation and humane treatment for detainees with disabilities. The absence of a coherent strategy, meaningful support structures, and effective remedies confirms that the issues identified in this group of cases remain unresolved, notwithstanding the Government's submissions to the contrary.

3.3. Outstanding issues regarding special security regimes

The HHC maintains the concerns outlined in its previous communication,[96] namely that special security regimes continue to impose far-reaching additional restrictions without transparent and genuinely individualised assessments, rely on broadly defined discretionary powers, and enable arbitrary interferences with core aspects of detention, in the absence of effective safeguards or oversight. It is therefore of serious concern that the Action Report submitted by the authorities does not address special security regimes at all, despite the Committee of Ministers' explicit requests for information and corresponding statistical data. As of 15 December 2025, there were 641 detainees held under special security regimes.[97] The 2025 CPT report confirms closely related deficiencies, including the routine and prolonged application of enhanced security measures, severely limited out-of-cell time and a lack of meaningful activities, raising serious concerns as to their impact on detainees' mental well-being.[98] These findings are corroborated by reports received by the HHC. In the continued absence of meaningful engagement by the authorities, coupled with the persistence of whole life sentences and excessively long parole ineligibility periods, these conditions reinforce a detention system that deprives those concerned of hope, gives rise to serious concerns regarding the psychological impact on detainees, and fails to provide an effective remedy.

4. Recommendations

4.1. Procedural recommendations

In light of the authorities' continued failure – more than fourteen years after the Court's first judgment in this group of cases – to ensure effective execution through comprehensive, credible, and sustained measures addressing the systemic deficiencies identified by the Court, the HHC respectfully invites the Committee of Ministers to **further intensify** its supervision of the *István Gábor Kovács and Varga and Others v. Hungary* group of cases.

This prolonged non-execution is evidenced by the Government's persistent failure to comply with the Committee's decisions and Interim Resolution, as well as by the authorities' sustained unwillingness to adopt meaningful measures, to engage genuinely with the supervision process, or to demonstrate tangible progress in remedying the long-standing and systemic violations found by the Court. Rather than indicating measurable progress, the authorities' approach – reinforced by developments in criminal policy – has further entrenched and perpetuated the structural deficiencies at issue, thereby underscoring the need for a procedurally robust supervisory response.

In these circumstances, the HHC respectfully invites the Committee to **consider explicitly identifying and articulating the procedural avenues available under Article 46 of the Convention** in response to the authorities' persistent and prolonged non-execution of the Court's judgments.

[96] See the HHC's latest Rule 9(2) communication in the *István Gábor Kovács* and *Varga and Others v. Hungary* group of cases: DH-DD(2025)114, p. 20.
[97] Response no. 30500/5371/2025 issued by the NPA to the HHC's FOI request on 14/01/2026.
[98] §§ 64-70 of CPT Report no. CPT/Inf (2025) 41.

4.2. Substantive recommendations

The HHC's new and outstanding recommendations are formulated below.

- The HHC respectfully recommends to the Committee of Ministers of the Council of Europe to urge the Hungarian Government to **engage in a comprehensive reform of criminal policy**, such as focusing its efforts on long-term strategies for crime prevention and reduction, in addition to including but not limited to the issue of limiting or moderating the number of persons sent to prison. The Government should **invest in an increased use of the existing non-custodial alternatives to detention** to mitigate the harmful consequences of inadequate detention conditions**.** To achieve this reform, the Government must start a multi-stakeholder dialogue including people with lived experience of incarceration, criminal justice stakeholders, social service practitioners, local authorities, charities, churches, academics and NGOs.
- The Government should be encouraged to address and **monitor key indicators** of prison population pressure, such as the length of sentences, the use of short-term sentences, and pre-trial detention rates.
- Efforts should be made by the Government to create **evidence-based policy on reducing the reliance on imprisonment within Hungarian criminal justice,** including **seeking out good practices** that provide real alternatives all around Council of Europe member states. To that end, the Government should be urged to implement several relevant Council of Europe Recommendations, such as
    1. Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation,
    2. Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules,
    3. Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules,
    4. Recommendation CM/Rec(2017)3 of the Committee of Ministers to member States on the European Rules on community sanctions and measures,
    5. Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters,
    6. Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents.
- The HHC respectfully recommends the Committee of Ministers to urge the authorities to **increase their effort in collecting and publishing data** that supports monitoring the implementation of the judgments of the European Court of Human Rights at hand and for the interested public to access these. As such, regularly publish:
    1. **Data crucial for assessing the degree of implementation** (such as the number of inmates with insufficient moving space, length of compensation proceedings, and data allowing for the assessment of the consistency of the jurisprudence).
    2. **Data on the application of non-custodial sanctions and measures**, including **regularly participating in the Council of Europe's SPACE II study** and responding to its annual questionnaire.
    3. **Data necessary for assessing the practical effectiveness of the newly introduced preventive remedy mechanism**, in particular the number of complaints, their outcomes, and information on the concrete measures taken in cases where complaints are found to be well-founded.

Additionally, the authorities should instruct the NPA to **recommence its previous practice** of releasing basic public data on detention conditions and the socio-demographic characteristics of detainees.

- **The unjustified and discriminatory limitation that prisoners can only access the compensation amount after their release should be abolished.** Inmates should be free to use the compensation granted for the violation of their inherent rights without any limitations beyond the ones made absolutely necessary by the deprivation of their liberty. This should include (but not be limited to) their ability to pay the fee of their legal counsels from the compensation amount.
- The system whereby the payment of compensations to lawyers' escrow accounts was possible should be reinstated in order to enhance detainee's access to effective legal services and to put an end to the discrimination, resulting from the ban on this practice.
- A sufficient number of independent monitors shall have access to the penitentiary system. Therefore, the NPA should **facilitate access for independent experts with prison monitoring experience** to resume monitoring activities and support the protection and enforcement of detainees' rights.
- Physical conditions other than living space or moving space shall be considered in the course of implementing the European Court of Human Rights' judgments in question. **The provisions on the newly introduced preventive, and pre-existing compensatory remedy mechanism should be amended to make sure that if the overall physical conditions** (access to fresh air, proper natural lighting, and the partitioning of toilettes, absence of parasites) **are substandard to the extent that is justified, inmates should be entitled to effective remedy even if they are provided with the required moving space**.
- **Unnecessary restrictions on contact with the outside world, and especially family members, should be removed**. Inmates should be allowed, as a general rule, physical contact with their visitors, and only those should be prevented from direct contact whose risk assessment justifies such a restriction.

Sincerely yours,

András Kristóf Kádár
Co-chair, Hungarian Helsinki Committee